

REMARKS

The Office Action mailed on 24 November 2003 has been received and reviewed. Claims 1-7, 10-15, and 18-40 are currently pending in the application. The aforesaid claims stand rejected. Applicants respectfully request reconsideration of the above-referenced application.

REJECTION UNDER THE DOCTRINE OF OBVIOUSNESS DOUBLE PATENTING:

Claims 1 and 4 stand rejected under the doctrine of obviousness double patenting over US Patent 6,514,628. Further Claim 1 stands rejected under US Patent 6,228,457, as well under the doctrine of obviousness double patenting.

Applicant respectfully traverse the instant rejection. Claims 1 and 4 of the instant application each require that the first metal constituent in the layer be present in an amount of 0.1 to 3.0 weight percent. Applicant respectfully submits that neither of the two references appears to contain any teaching or suggestion which would anticipate the lower limit of the indicated range, i.e. 0.1 weight percent. In the absence of any teaching or suggestion, applicant respectfully submits that neither reference provides adequate disclosure to support a rejection under the doctrine of obviousness double patenting. In view of this reasoning, applicant respectfully requests a withdrawal of the instant rejection.

REJECTION UNDER 35 USC 102:

Claims 1-6 and 30 stand rejected under 35 U.S.C. 103(e) over Ueno et al. Applicant respectfully traverses the rejection. Each of the aforesaid claims requires a layer formed of Silver in combination with two distinct metals. Each of the metals is indicated as being present in an amount within a stated range, namely 0.1 to 3.0 weight percent. The Ueno et al reference does not appear to completely state the claimed ranges, specifically, Ueno et al teaches that the first metal is present in an amount of 0.5 to 3.0 percent. Ueno et al does not appear to teach the claimed lower limit of the range. Instead, Ueno et al teaches 0.5 as opposed to 0.1 percent. In view of this failure of Ueno et al to teach the claimed lower limit of the range, applicant

respectfully requests that the instant rejection be withdrawn.

REJECTIONS UNDER 35 USC 103(a):

Claims 1-7, 10-11, 13-15 and 18-40 stand rejected under 35 USC 103(a) over Fukuyoshi et al. (hereinafter "Fukuyoshi."). Applicant respectfully traverses the rejection.

The Fukuyoshi reference (USP 5,667,853) discloses a multilayered conductive film having a silver-based layer formed of a silver-based material. Fukuyoshi teaches the need for the silver-based layer to contain an element other than silver for purposes of preventing the silver from migrating. Fukuyoshi identifies various elements which may function in this regard. These elements include the following: Al, Cu, Ni, Cd, Au, Zn, Mg, Sn, In, Ti, Zr, Ce, Si, Pb, and Pd. The silver based layer of Fukuyoshi contains Ag as a main component together with 0.1 to 3 atomic percent of Cu and/or Au. The Fukuyoshi reference provides examples of $\text{AgCu}_{0.1}$ and AgCu_3 .

However, the Fukuyoshi reference fails to disclose the combination of Ag, as a main component, together with a first metal and a second metal as set forth in each of the instant independent claims 1, 4, 7, 15, 23, 25, 26, 27, 29, 30 and 31. In other words, the Fukuyoshi reference neither discloses nor teaches a reflecting layer which contains silver together with two other and different element metals in amounts within the claimed quantity range.

The claims of applicant's specification, particularly independent claims 1, 4, 7, 15, 22, 23, 25, 29, 30, 31, 32, 33, 34, and 35-40, and by implication each of the claims depending therefrom each require a first metal in amount of 0.1-3.0 **weight** percent and a second metal in amount of 0.1-3.0 **weight** percent to be in the reflecting layer together with silver.

Fukuyoshi appears to neither teach nor suggest the claimed specific constituent ranges.

Instead, Fukuyoshi teaches 0.1-3.0 **atomic** percent of copper and gold.

First, Fukuyoshi references his ranges to atomic and not weight percent. Applicant respectfully submits that these two methods of measurement are not identical, and one does not suggest the other. Secondly, Fukuyoshi does not appear to teach that the stated range applies to each of the two constituent metals individually, i.e. 0.1-3.0 weight percent of the first metal and 0.1-3.0 weight percent of the second metal. Instead, the apparent meaning of the Fukuyoshi teaching is that the “combined total” of the two metals is intended to be within the stated range of 0.1 and 3.0 atomic percent. Fukuyoshi does not appear to teach that the range applies to each of the metals individually. In this vein the applicant refers the Examiner to col. 11, lines 46-48 wherein the language of the specification reads “the addition of copper and/or gold in such an amount.” The use of the word “amount” in the singular would appear to indicate that the total amount of the copper and gold together must be within the stated range.

In view of the above reasons applicant respectfully submits that the Fukuyoshi reference neither teaches nor suggests the subject matter of claims 1-7, 10-11, 13-15 and 18-40. Therefore, applicant respectfully requests that the rejection of the aforesaid claims be withdrawn.

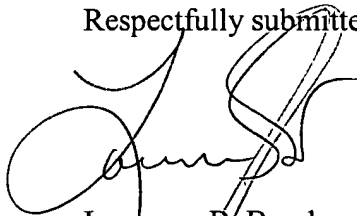
Claim 12 stands rejected under 35 USC 103(a) over Fukuyoshi in view of Gibbons. Applicant respectfully traverses the rejection. As noted above, the Fukuyoshi reference neither teaches nor suggests a reflecting layer having silver as its main component and further including two other different metals, each of the two other different metals being present in an amount within a respective claimed quantity range. Gibbons does not appear to contain any teaching to include two different metals in the claimed constituent ranges in association with silver to yield the claimed layer. In the absence of such a teaching, applicant respectfully submits that any combination of Gibbons with Fukuyoshi would likewise not produce the claimed subject matter of claim 12. As a result applicant submits that the instant claim 12 distinguishes over the combination of Fukuyoshi and Gibbons reference.

Withdrawal of the rejection of claims 1-7, 10-12, 13-15 and 18-40.26-29 is therefore respectfully requested.

CONCLUSION

Claims 1-7, 10-15, and 18-40 are believed to be in condition for allowance, thus reconsideration thereof is respectfully requested. If any issues preventing the allowance of the above-referenced application remain that might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Laurence B. Bond', is written over the typed name and address.

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